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Attorneys for Defendants
GE HEALTHCARE INC. and GENERAL
ELECTRIC COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND

CAROL MOORHOUSE and
JAMES MOORHOUSE,

Plaintiffs,

v.

BAYER HEALTHCARE
PHARMACEUTICALS, INC.;
BAYER HEALTHCARE LLC;
GENERAL ELECTRIC
COMPANY; GE HEALTHCARE,
INC.; COVIDIEN, INC.;
MALLINCKRODT, INC.;
BRACCO DIAGNOSTICS, INC.;
McKESSON CORPORATION;
MERRY X-RAY CHEMICAL
CORP.; and DOES 1 through 35,

Defendants.

Case No. 3:08-CV-01831 SBA

**NOTICE OF RULING BY JUDICIAL
PANEL ON MULTIDISTRICT
LITIGATION RELATED TO
MOTIONS FOR REMAND IN
RELATED GADOLINIUM-BASED
CONTRAST AGENT LITIGATION**

[Jury Trial Demanded]

(San Francisco County Superior Court,
Case No.: CGC-08-472978)

PLEASE TAKE NOTICE that subsequent to the hearing on Plaintiffs' Motion for Remand and Defendants GE Healthcare Inc. and General Electric Company's ("Defendants") Motion for Stay in three gadolinium-based contrast agent cases, the United States Judicial Panel on Multidistrict Litigation ("JPML") issued a ruling on June 6, 2008 in MDL-1909 ("In Re Gadolinium Contrast Dyes Products Liability Litigation") denying Plaintiffs' motions to vacate Conditional

4849-7823-7442.1

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1 Transfer Orders. A true and correct copy of the June 6, 2008 Order is attached
2 hereto as Exhibit "A."

3 The three cases at issue in the JPML Order were cited by the Defendants in
4 this case in relation to the Motions for Stay and Remand set for hearing on June 10,
5 2008. They are:

6 (1) *Priscilla Geffen, et. al. v. General Electric Company, et. al* (C.A. No.
7 2:08-1110) (C.D. Cal. - Eastern Division);

8 (2) *Irven S. Shelton, et. al vs. General Electric Company, et. al.* (C.A. No
9 2:07-1951) (W.D.La.); and

10 (3) *Claudia Ethington, et. al. v. General Electric Company, et al.,* (C.A.
11 No. 3:07-5985 (D.NJ).

12 The JPML Order holds that "Plaintiffs can present their motions for remand
13 to state court to the transferee court. See, e.g. *In Re Ivy*, 901 F2d 7 (2nd Circ. 1990);
14 *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.
15 Supp.2d 1346, 1377-48 (J.P.M.L. 2001.)"

16 Dated: June 6, 2008

KUTAK ROCK LLP

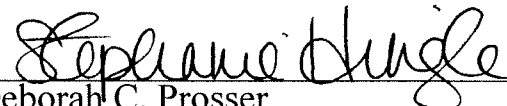
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18 By: 
19 Deborah C. Prosser
20 Stephanie A. Hingle
21 Attorneys for Defendants
22 GENERAL ELECTRIC COMPANY
23 and GE HEALTHCARE INC.
24
25
26
27
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EXHIBIT “A”

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Jun 06, 2008

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**FILED
CLERK'S OFFICE**

**IN RE: GADOLINIUM CONTRAST DYES
PRODUCTS LIABILITY LITIGATION**

MDL No. 1909

TRANSFER ORDER

Before the entire Panel*: Plaintiffs in three actions listed on Schedule A and pending, respectively, in the Central District of California, the Western District of Louisiana, and the District of New Jersey, have moved, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to vacate the respective portions of its orders conditionally transferring their actions to the Northern District of Ohio for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge Dan A. Polster. Responding defendants General Electric Company, GE Healthcare, Inc., and GE Healthcare Bio-sciences Corp. (the GE defendants), and Mallinckrodt, Inc. (Mallinckrodt), support transfer of the actions.

After considering all argument of counsel, we find that the actions involve common questions of fact with actions in this litigation previously transferred to the Northern District of Ohio, and that transfer of these actions to the Northern District of Ohio for inclusion in MDL No. 1909 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of these actions is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Northern District of Ohio was a proper Section 1407 forum for products liability actions involving allegations that gadolinium based contrast dyes manufactured by various defendants, including the GE defendants and Mallinckrodt, may cause a disease known as nephrogenic systemic fibrosis in patients with impaired renal function. *See In re Gadolinium Contrast Dyes Products Liability Litigation*, 536 F.Supp.2d 1380 (J.P.M.L. 2008).

Plaintiffs can present their motions for remand to state court to the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

* Judges Heyburn and Motz did not participate in the disposition of this matter.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Northern District of Ohio and, with the consent of that court, assigned to the Honorable Dan A. Polster for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION



D. Lowell Jensen
Acting Chairman

John G. Heyburn II, Chairman*
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz*
Kathryn H. Vratil
Anthony J. Scirica

**IN RE: GADOLINIUM CONTRAST DYES
PRODUCTS LIABILITY LITIGATION**

MDL No. 1909

SCHEDULE A

Central District of California

Priscilla Geffen, et al. v. General Electric Co., et al., C.A. No. 2:08-1110

Western District of Louisiana

Irven S. Shelton, et al. v. General Electric Co., et al., C.A. No. 2:07-1951

District of New Jersey

Claudia Ethington, et al. v. General Electric Co., et al., C.A. No. 3:07-5985